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June 8, 2012

***Via ECF and Hand Delivery***

The Honorable Anita B. Brody  
United States District Court for the  
Eastern District of Pennsylvania  
James A. Byrne U.S. Courthouse  
601 Market Street, Room 7613  
Philadelphia PA 19106

**Re: *In re: National Football League Players' Concussion Injury Litigation,*  
No. 12-md-02323, MDL No. 2323  
THIS DOCUMENT RELATES TO:  
*LeMaster, et al v. National Football League, et al., No. 12-cv-02464, MDL No. 2323***

Dear Judge Brody:

We represent defendants the National Football League and NFL Properties LLC (collectively, the "NFL Defendants") in the above-referenced matter. We write this letter in order to seek clarification concerning a procedural matter. Specifically, we respectfully request Your Honor's guidance on whether Paragraph 13 of the Court's Case Management Order No. 1 (Dkt. No. 4) ("CMO #1"), staying the dates for filing "all responsive pleadings and responses to any pending motions," stays the NFL Defendants' time to respond to the motion to remand filed in *LeMaster, et al. v. National Football League, et al.*, No. 12-cv-02464 (E.D. Pa.), on June 4, 2012.

*LeMaster* was filed in the Court of Common Pleas, Philadelphia County on April 2, 2012 and removed to the Eastern District of Pennsylvania on May 7, 2012. The case was designated a related action originating in the transferee district on June 6, 2012 (MDL No. 2323 Dkt. for June 6, 2012). The NFL Defendants believe that Paragraph 13 of CMO #1 stays all proceedings in cases that are part of the above-referenced MDL matter and, therefore, stays their time to

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The Honorable Anita B. Brody  
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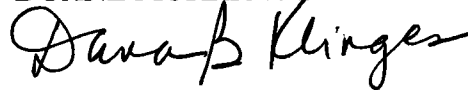
cases that are part of the above-referenced MDL matter and, therefore, stays their time to respond to the *LeMaster* Plaintiffs' motion to remand. Plaintiffs believe that Paragraph 13 applies only to motions pending at the time CMO #1 was entered, and, thus, the time for the NFL Defendants to respond to the motion to remand is governed by Local Rule 7.1, which would require submission of the NFL Defendants' opposition to the motion to remand on June 18, 2012. The parties met and conferred regarding this matter on June 6, 2012, and were unable to reach agreement on this issue at that time. The parties agreed that the NFL Defendants would submit this letter seeking the Court's guidance as to whether the stay order in Paragraph 13 of the Court's CMO #1 applies to any motions filed after CMO #1 was entered, including the *LeMaster* motion to remand.

Finally, in the event that the Court finds Paragraph 13 of CMO #1 does not apply to motions filed after CMO #1 was entered, the NFL Defendants believe that the interests of the multidistrict litigation process would best be served by coordinating any response to Plaintiffs' motion to remand, and any other such motions that may be filed in the future, with each other and with the briefing schedule contained in the Court's Case Management Order No. 2 (Dkt. No. 64) ("CMO #2"). The NFL Defendants' opposition to Plaintiffs' motion to remand will rely in part on the same labor preemption arguments as the expedited motion to dismiss addressed in CMO #2; as such, the NFL Defendants believe that these motions should be subject to the same briefing schedule.

We appreciate the Court's attention to this matter. The NFL Defendants are available to discuss this issue with the Court and Plaintiffs at the Court's convenience.

Respectfully,

DUANE MORRIS LLP



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DBK/dmg  
Enclosures

Cc: All Counsel of Record (via ECF)